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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/666,809

09/21/2000

Santosh P. Abraham

3-52-2-6

8916

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12/08/2006

CAPITOL PATENT & TRADEMARK LAW FIRM, PLLC

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EXAMINER

FERRIS, DERRICK W

ART UNIT

PAPER NUMBER

2616

DATE MAILED: 12/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary
for Applications
Under Accelerated Examination**

Application No.

09/666,809

Applicant(s)

ABRAHAM ET AL.

Examiner

Derrick W. Ferris

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Since this application has been granted special status under the accelerated examination program,

**NO extensions of time under 37 CFR 1.136(a) will be permitted and a SHORTENED STATUTORY PERIOD FOR
REPLY IS SET TO EXPIRE:**

**ONE MONTH OR THIRTY (30) DAYS, WHICHEVER IS LONGER,
FROM THE MAILING DATE OF THIS COMMUNICATION – if this is a non-final action or a Quayle action.
(Examiner: For FINAL actions, please use PTOL-326.)**

The objective of the accelerated examination program is to complete the examination of an application within twelve months from the filing date of the application. Any reply must be filed electronically via EFS-Web so that the papers will be expeditiously processed and considered. If the reply is not filed electronically via EFS-Web, the final disposition of the application may occur later than twelve months from the filing of the application.

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2006.
2) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 3) ☒ Claim(s) 1-15 is/are pending in the application.
3a) Of the above claim(s) _____ is/are withdrawn from consideration.
4) ☐ Claim(s) _____ is/are allowed.
5) ☒ Claim(s) 1,4-6,9,10 and 13 is/are rejected.
6) ☒ Claim(s) 2,3,7,8,11,12,14 and 15 is/are objected to.
7) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 8) ☐ The specification is objected to by the Examiner.
9) ☒ The drawing(s) filed on 21 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
10) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 11) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
• See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Finality

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn. In particular, the final rejection is withdrawn since the new examiner notes that the other claims should be rejected as well based on newly found art. As such, the current Office action is made non-final.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1, 4, 5, 6 and 9** are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,839,356 B2 to *Barany et al.* (“*Barany*”).

As to **claim 1**, *Barany* teaches a UTRAN system, see e.g., figure 3. As such, a data frame is shown e.g., in figure 4a where a header portion is datagram header 402, a payload portion is payload 406 and a QoS field associated with the payload portion is the control information 404.

As to **claim 4**, see e.g., top of column 7 with respect to the payload.

As to **claim 5**, see e.g., figure 4b where the payload type indicator is the frame type indicator, see e.g., 456.

As to **claim 6**, see similar rejection to claim 1.

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As to **claim 9**, see similar rejection to claim 4.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1, 6, 10, and 13** are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 99/48310 to *Nokia*, in view of “3rd Generation Partnership Project; Technical Specification Group Radio Access Network; UTRAN Uub/Iur Interface User Plane Protocol for DCH Data Streams” to *3GPP*.

As to **claim 1**, in reference to figure 2, *Nokia* teaches that QoS information is associated with each data packet, see e.g., bottom of page 14 and top of page 15. Specifically, a data frame taught by the reference includes a data packet which contains a header, payload and QoS attributes associated with each packet. The above data packet is further transmitted to the other nodes shown in figures 1 and 2. Finally, although the invention is described in the context of GPRS, UTRAN can also be applied thus further teaching a UTRAN system, see e.g., page 24, lines 19-25 (emphasis added).

Nokia is silent or deficient to the further limitation of a UTRAN data frame.

3GPP teaches the further recited limitation above at e.g., Section 6 starting at page 12.

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The proposed modification of the above-applied reference(s) necessary to arrive at the claimed subject matter would be to modify *Nokia* by clarifying that the GPRS data frame is a UTRAN data frame.

As such, the examiner notes that it would have been obvious to one skilled in the art prior to applicant's invention to include the above limitation. In particular, the motivation for modifying the reference or to combine the reference teachings would be to use a 3rd generation network such as UMTS. In particular, *Nokia* cures the above-cited deficiency by providing a motivation found at e.g., bottom of page 24.

As to **claim 6**, see similar rejection to claim 1.

As to **claim 10**, see similar rejection to claim 1. In addition, the further structure of the DCH frame is taught e.g., on pages 14 and 16 of 3GPP. Examiner notes that same motivation applies.

As to **claim 13**, see similar rejection to claim 1.

Allowable Subject Matter

6. **Claims 2, 3, 7, 8, 11, 12, 14 and 15** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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- EP 1 030 484 A2 to Nortel Networks teaches at least the independent claims, see e.g., figure 8 where the nodes are the MAC Rx and MAC Tx respectively. In addition, note that the QoS information is transmitted in the RLC payload portion.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Derrick W. Ferris whose telephone number is (571) 272-3123. The examiner can normally be reached on M-F 9 A.M. - 4:30 P.M. E.S.T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571)272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


DWF

Derrick W. Ferris
Examiner
Art Unit 2616


DERRICK W. FERRIS
PRIMARY PATENT EXAMINER